



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/735,159

12/12/2003

Georg Fischer

071308.0492

3421

31625

7590

11/05/2008

BAKER BOTTS L.L.P.

PATENT DEPARTMENT

98 SAN JACINTO BLVD., SUITE 1500

AUSTIN, TX 78701-4039

EXAMINER

NGO, HUNG V

ART UNIT

PAPER NUMBER

2831

MAIL DATE

DELIVERY MODE

11/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEORG FISCHER,
HARALD HOLZER,
ANDREAS REKOFISKY,
and KARL SMIRRA

Application No. 10/735,159
Technology Center 2800

Mailed: November 4, 2008

Before CHERYL A. MOORE, Reviewing Paralegal.
MOORE, Reviewing Paralegal.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 7, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

INFORMATION DISCLOSURE STATEMENT

Appellants filed an Information Disclosure Statement (IDS) dated May 24, 2007. In a Miscellaneous Communication from the Examiner on November 5, 2007, the Examiner states "The information disclosure statement filed 05/24/07 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered."

While it appears the Examiner may have considered the above IDS in this communication, the Examiner has not provided a PTO-1449 that has been initialed or crossed through, and the Examiner's signature or initials have not been provided at the bottom of the PTO-1449. MPEP § 609 requires the Examiner to consider any IDS filed by Applicants if timely submitted. A proper written communication notifying Applicants of the Examiner's consideration of the above IDS is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) submit a proper PTO-1449 with initials and date of consideration,
- and
- 2) for such further action as may be appropriate.

Application No. 10/735,159

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

cam

BAKER BOTTS LLP
PATENT DEPT.
98 SAN JACINTO BLVD.
SUITE 1500
AUSTIN, TX 78701-4039